ITS **Mississippi Department of Information Technology Services**

3771 Eastwood Drive
Jackson, MS 39211-6381
Phone: 601-432-8000
Fax: 601-713-6380
www.its.ms.gov

Craig P. Orgeron, Ph.D., Executive Director

Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, Ph.D.

Date: November 10, 2015

Subject: Sole Source Certification Number 3843 to provide Net Tutor RTR module and additional Net Tutor services

Contact Name: Donna Hamilton

Contact Phone Number: 601-432-8114

Contact E-mail Address: Donna.Hamilton@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3843 to add the Refer Tutor Report (RTR) module to the existing NetTutor services for the Mississippi Community College Board (MCCB) – Mississippi Virtual Community College (MSVCC), please be advised that ITS intends to award Link-Systems International, Inc. as the sole source provider of the Refer Tutor Report (RTR) module and NetTutor online tutoring services at a 4-year lifecycle cost of $778,608.00 through July 31, 2019. For an explanation regarding Mississippi state law, policy, and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exists:

   MSVCC previously implemented Net Tutor and has made a business decision to continue using Net Tutor and to add the Refer Tutor Report (RTR) module to the existing NetTutor services provided by Link-Systems. RTR allows faculty to refer their students to NetTutor along with specific information regarding areas of weakness identified by the faculty. RTR reports time-on-task and other data back to MSVCC for accountability and reporting purposes.

   MSVCC is increasing the number of available tutoring hours due to growth in the utilization of the tutoring services. The Customer's Sole Source Certification Request is included as Attachment A.

---

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

   Only Refer-Tutor-Report (RTR) can integrate with the existing Net Tutor solution. RTR heightens the role of advisors/instructors by delivering focused remediation through individualized student referrals, one-click student access to appropriate subject-area tutors that have detailed information about the referral, tutor summary of online sessions, and on-demand tutoring reports. RTR facilitates a supportive learning environment that promotes student achievement and improves accountability. The Customer's Sole Source Certification Request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

   Link-Systems has certified that no third party is licensed to sell or distribute the Net Tutor and RFR package of services. The Vendor's sole source certification letter is included as Attachment B.

4. If services, explain why the amount to be expended for the services is reasonable:

   An internet search of hourly rates for comparable tutoring providers indicated rates between $13.00 - $45.00. The hourly rate quoted by Link-Systems is $26.00 per hour.

5. If services, explain what the agency did to obtain the best possible price for the services:

   MSVCC has worked with Link-Systems to maintain the hourly rate of $26.00 quoted originally in 2013 with renewal of the existing services through July 31, 2019.

Schedule

Task	Date
First Advertisement Date	11/10/15
Second Advertisement Date	11/17/15
Response Deadline from Objectors	11/25/15 at 3:00P.M. Central Time
Notice of Award/No Award Posted	Not before 11/26/15

Project Detail

Mississippi Virtual Community College implemented Link-Systems NetTutor Online Tutoring services in 2013 via sole source to provide 3 years of customized online tutoring services with the ability to co-create the Rules of Engagement at each of the fifteen community and junior colleges. MSVCC uses NetTutor to provide online tutoring services 24/7/365 to students in math, sciences, English, business and economics, humanities, information technology, nursing, and allied health. All subject areas, including IT, nursing, and allied health, need to have the same per hour cost to MSVCC. Tutoring needs to be provided for both live, drop-in tutoring and essay review services for MSVCC students.

MSVCC has made the business decision to add the Refer Tutor Report module as an additional tool to further empower their faculty and staff to communicate focused tutoring objectives and generate relevant reports. MSVCC will continue to offer NetTutor as a comprehensive package of live 24/7 drop-in tutoring for online system students, but now NetTutor with RTR has the ability for instructors/staff to refer developmental students to NetTutor online tutoring and identify the exact remediation needed.

The original agreement with Link-Systems included 2,500 hours of consulting services annually at $26.00 per hour for 3 years. In addition to adding the RTR module, MSVCC plans to increase the hours for year 3 from 2,500 to 3,408. MSVCC anticipates use of the online tutoring services to grow and will increase the number of available hours from 3,408 to 5,000 for years 4 through 6. The table below provides a breakdown of the original agreement and the planned revisions.

Year	Tutoring Services to Date	Planned Tutoring Services	Refer Tutor Report Module	Annual Total
FY14 (8/1/13 – 7/31/14) 2,500 hrs x $26	$65,000.00			$65,000.00
FY15 (8/1/14 – 7/31/15) 2,500 hrs x $26	$65,000.00			$65,000.00
FY16 (8/1/15 – 7/31/16) 3,408 hrs x $26		$88,608.00	$75,000.00	$163,608.00
FY17 (8/1/16 – 7/31/17) 5,000 hrs x $26		$130,000.00	$75,000.00	$205,000.00
FY18 (8/1/17 – 7/31/18) 5,000 hrs x $26		$130,000.00	$75,000.00	$205,000.00
FY19 (8/1/18 – 7/31/19) 5,000 hrs x $26		$130,000.00	$75,000.00	$205,000.00
Total 6-year Lifecycle Cost				**$908,608.00**
Tutoring Services to Date Total	$130,000.00			
Planned Tutoring Services Total		$478,608.00		
RTR Module (4 years)			$300,000.00	

The amount of the new 4 year agreement will be $778,608.00. With the requested additions, the total 6-year lifecycle cost of the project will be $908,608.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Refer Tutor Report (RTR) module and Net Tutor Services should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Link-Systems International, Inc.

      1.1.   Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Wednesday, November 25, 2015, at 3:00 p.m. (Central Time) to Donna Hamilton at Donna.Hamilton@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail, or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Donna Hamilton to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4. Interested Party responses should include the following information:

SUBMITTED IN RESPONSE TO
Sole Source Certification No. 3843-42210
Accepted until November 25, 2015 @ 3:00 p.m.
Attention: Donna Hamilton

If you have any questions concerning the information above or if we can be of further assistance, please contact Donna Hamilton at 601-432-8114 or via email at Donna.Hamilton@its.ms.gov.

Attachment A: Customer Sole Source Certification Request
Attachment B: Vendor Correspondence
Attachment C: Sole Source Procurement Overview

Attachment A

ITS
mississippi department of
Information Technology Services

3771 Eastwood Drive
Jackson, Mississippi 39211
Phone 601-432-8000 Fax 601-713-6380

Sole Source Certification Request

Project Title: Refer Tutor Report   **Stimulus (ARRA)**
Funds? Yes___ No X

Customer Contact Information

Agency/Public University: MS Community College Board Address: E&R Center, Room 519 Jackson, MS 39211	Contact Person: Kimble, Audra Phone: 601-432-6391 Fax: Email Address: akimble@mccb.edu
MAGIC Customer Number (only required from state agencies): 7000000104	Division/Dept: eLearning Handmail: ☐ Yes X No

Project Summary *Narrative Description of Project* (include details of original acquisition if applicable): The MSVCC currently utilizes Link-Systems' Net Tutoring system to provide online tutoring services to all community college students. The popularity of this system has grown greater than expected; therefore, it is necessary to 1) increase the number of tutoring hours that the MSVCC contracts for and 2) to add the Refer-Tutor-Report (RTR) functionality to our current services.

ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 7/31/2019

Cost Estimates *Fiscal Year*	*Initial Costs*	*Ongoing Costs*	Time Constraints Item Needed by: Funds Expire:	Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 4 years
2016		$163,608.00	**Discuss Funding** (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds) All funding is definite and comes from MSVCC assessment to the 15 colleges	
2017		$205,000.00		
2018		$205,000.00		
2019		$205,000.00		
Total		$778,608.00		

Acquisition Details

Items Requested	Quantity	Description	Building Location(s)
NetTutor/RTR		NetTutor online tutoring services with RTR module	15 Community Colleges

Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). For equipment or hosting outside the State Data Center, attach justification: N/A

Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? Pricing has already been negotiated with Link-System. Proposal attached.

Sole Source Certification Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.

Specific business requirements to be met by the requested products or services:
MSVCC has made a business decision to add the Refer Tutor Report (RTR) module to the existing NetTutor services currently provided by Link-Systems. RTR allows faculty to refer their students to NetTutor along with specific information tutors retrieve regarding areas of weakness identified by the faculty. RTR reports time-on-task and other data back to MSVCC for accountability and reporting purposes.

Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality):
Only NetTutor allows MSVCC to customize online tutoring offered to students through "rules of engagement" (ROE) established with each college. The ROE allows each college to tailor online tutoring services to its students' unique needs and leads to an individualized approach that yields more positive student outcomes. Also, while other services are 24/7, NetTutor is the only provider that offers access to 24/7 tutoring 365 days a year. NetTutor is never closed. Finally, there is no service available other than RTR that allows faculty to refer students to get specific help from their online tutoring service.

Only NetTutor offers a student referral system, Refer-Tutor-Report (RTR). RTR heightens the role of advisors/instructors by delivering focused remediation through individualized student referrals, one-click student access to appropriate subject-area tutors that have detailed information about the referral, tutor summary of online sessions, and on-demand tutoring reports. RTR facilitates a supportive learning environment that promotes student achievement and improves accountability.

Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated):

Unlike Smarthinking, Brainfuse, Tutor.com, and other vendors, only NetTutor has certified, U.S. educated and trained tutors with prior teaching or tutoring experience who perform online tutoring services from U.S.-based facilities. Tutors are not outsourced overseas.

No other provider offers a student referral system. This feature is necessary for MSVCC to use in conjunction with early alert systems already in place and it is unique to NetTutor.

No other provider offers the option for MSVCC to customize, at the course level, the tutor/student interaction through a co-developed set of rules that tutors follow.

NetTutor is the only online tutoring provider that uses tutors who are always under in-person supervision by a manager with at least three years of experience. NetTutor is the only online tutoring provider that employs full-time, salaried, and professional tutors. Tutors are not contractors.

Explain why the amount to be expended for the services is reasonable:

An internet search of hourly rates for comparable tutoring providers indicated rates between $13.00 - $45.00. The hourly rate quoted by Link-Systems is $26.00 per hour.

Explain what your agency did to obtain the best possible price for the services:

MSVCC has worked with Link-Systems to maintain the hourly rate of $26.00 quoted originally in 2013 with renewal of the existing services through July 31, 2019.

Vendor's Certification of Sole Source attached: X Yes ☐ No   **Vendor's proposal submitted:** X Yes ☐ No

MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.

Place Order To:	Remit To
Vendor Name: Link-Systems International Inc	**Vendor Name:** Link-Systems International Inc
Vendor Address: 4515 George Road, Suite 340 Tampa, FL 33634	**Vendor Address:** 4515 George Road, Suite 340 Tampa, FL 33634

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13. In addition, I acknowledge that there is a charge for ITS procurement services associated with this request which will be billed to the requestor by ITS and that my agency/public university is responsible for these charges/costs.

Deborah J. Gilbert, CPA.
Mississippi Community College Board
Name (Agency Head or Public University CIO)/Title
Date

Signature 11/2/2015

Attachment B

November 2, 2015

LINK-SYSTEMS
INTERNATIONAL INC.

Attention:

Audra Kimble
Assistant Executive Director for eLearning & Instructional Technology
Mississippi Community College Board
3825 Ridgewood Road
Jackson, MS 39211

RE: NetTutor Online Tutoring Services Sole Source Justification

Dear Ms. Kimble,

The purpose of this letter is to certify NetTutor® as the sole and exclusive provider of specific online tutoring services and the Refer Tutor Report (RTR) module.

Service Overview
- NetTutor is seamlessly integrated with the Canvas course management system, which allows students to access the service with single-sign-on functionality.
- NetTutor includes a comprehensive package of live, drop-in tutoring and a comprehensive writing service.
- NetTutor provides online tutoring expertise in the most subject areas, including Math, Science, English, Business & Economics, Humanities, Information Technology, MVCC Nursing Programs, and Allied Health.
- NetTutor tutors are available to assist students 24/7/365 in all math subjects.
- NetTutor provides faculty and administrators access to a variety of reports to determine which students are using the service and how long they spent working with a tutor and can also view individual students' archived tutoring sessions.

Sole Source Justification
- Only NetTutor has certified tutors that are U.S. educated, trained tutors with prior teaching and/or tutoring experience, and perform online tutoring services from U.S.-based facilities.
- Only NetTutor has the unique ability to work with each client to co-create the "rules of engagement" (ROE), which outlines the specific details about how tutors will interact with students. In this way, all 15 colleges within the MVCC consortium have the opportunity to customize NetTutor to ensure it will help students succeed.
- Only NetTutor has tutors that are always under in-person supervision by a manager with at least 3 years of experience, and most are full-time, salaried employees.

- Only NetTutor can take advantage of tutors working in large cluster in the same facility by enabling tutoring staff to have access to the same learning materials (books, syllabi, solutions manuals, etc.) as students and their instructors.
- Only NetTutor offers tutoring 24/7/365, including all major holidays, as well as maintaining the same schedule tutoring throughout the calendar year. NetTutor is never closed.
- Only NetTutor has an innovative whiteboard interface (the WorldWideWhiteboard®) with a truly comprehensive set of subject-specific symbols and tools.
- Only NetTutor offers a student referral system, Refer-Tutor-Report (RTR). RTR heightens the role of advisors/instructors by delivering focused remediation through individualized student referrals, one-click student access to appropriate subject-area tutors, tutor summary of online sessions, and on-demand tutoring reports. RTR facilitates a supportive learning environment that promotes student achievement and improves accountability.
- Only NetTutor successfully licenses the same proprietary technology used by their tutors – the WorldWideWhiteboard – to colleges and universities for online collaboration.
- No third party is authorized to sell or distribute this package of services.

Based on the evidence presented in this memo, we assert that NetTutor is the only provider of online tutoring services that can meet the requirements of MVCC.

Sincerely,

Richard T. Meade
Vice President & General Manager, NetTutor
Link-Systems International, Inc.
813-674-0660 x.214
rmeade@link-systems.com

Attachment C: Sole Source Procurement Overview

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity.   In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1.   The product or services being purchased must perform a function for which no other product or source of services exists,

2.   The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND

3.   The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services.   The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1.   An explanation about why the amount to be expended is reasonable, and

2.   An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of $5,000 or less, including sole source purchases, has been delegated to the agency.   The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over $5,000 but not over $50,000 (not over $25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than $5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to $250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source.   Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification above $5,000. All sole source· documentation should be retained in the public university's procurement file.   Sole source requests above $250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.